

1 **REVISIONS TO ELECTIONS**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Daniel McCay**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions relating to election law.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ modifies the requirements to be a qualified political party;
- 13 ▶ modifies the requirements for a registered political party to inform the lieutenant
14 governor in relation to the party's intent to participate in a primary election;
- 15 ▶ amends ballot requirements;
- 16 ▶ amends the penalty for failure to timely report receipt of a contribution or public
17 service assistance; and
- 18 ▶ makes technical and conforming changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **20A-1-501**, as last amended by Laws of Utah 2014, Chapter 17

26 **20A-5-101**, as last amended by Laws of Utah 2014, Chapters 17 and 362

27 **20A-6-301**, as last amended by Laws of Utah 2014, Chapters 17 and 169



- 28 20A-6-302, as last amended by Laws of Utah 2014, Chapter 17
- 29 20A-6-303, as last amended by Laws of Utah 2014, Chapter 17
- 30 20A-6-304, as last amended by Laws of Utah 2014, Chapter 17
- 31 20A-9-101, as last amended by Laws of Utah 2014, Chapter 17
- 32 20A-9-403, as last amended by Laws of Utah 2014, Chapter 17
- 33 20A-9-405, as enacted by Laws of Utah 2014, Chapter 17
- 34 20A-9-406, as enacted by Laws of Utah 2014, Chapter 17
- 35 20A-9-701, as last amended by Laws of Utah 2014, Chapter 17
- 36 20A-11-201, as last amended by Laws of Utah 2014, Chapter 335
- 37 20A-11-301, as last amended by Laws of Utah 2014, Chapter 335
- 38 20A-11-1301, as last amended by Laws of Utah 2014, Chapters 335 and 337
- 39 20A-12-303, as last amended by Laws of Utah 2014, Chapter 335

41 *Be it enacted by the Legislature of the state of Utah:*

42 Section 1. Section 20A-1-501 is amended to read:

43 **20A-1-501. Candidate vacancies -- Procedure for filling.**

44 (1) The state central committee of a political party, for candidates for United States
 45 senator, United States representative, governor, lieutenant governor, attorney general, state
 46 treasurer, and state auditor, and for legislative candidates whose legislative districts encompass
 47 more than one county, and the county central committee of a political party, for all other party
 48 candidates seeking an office elected at a regular general election, may certify the name of
 49 another candidate to the appropriate election officer if:

50 (a) for a registered political party that will have a candidate on a ballot in a primary
 51 election, after the close of the period for filing a declaration of candidacy and continuing
 52 through the day before the day on which the lieutenant governor provides the list described in
 53 Subsection 20A-9-403[~~(4)~~](8)(a):

54 (i) only one or two candidates from that party have filed a declaration of candidacy for
 55 that office; and

56 (ii) one or both:

57 (A) dies;

58 (B) resigns because of acquiring a physical or mental disability, certified by a

59 physician, that prevents the candidate from continuing the candidacy; or

60 (C) is disqualified by an election officer for improper filing or nominating procedures;

61 (b) for a registered political party that does not have a candidate on the ballot in a
62 primary, but that will have a candidate on the ballot for a general election, after the close of the
63 period for filing a declaration of candidacy and continuing through the day before the day on
64 which the lieutenant governor makes the certification described in Section 20A-5-409, the
65 party's candidate:

66 (i) dies;

67 (ii) resigns because of acquiring a physical or mental disability as certified by a
68 physician;

69 (iii) is disqualified by an election officer for improper filing or nominating procedures;

70 or

71 (iv) resigns to become a candidate for president or vice president of the United States;

72 or

73 (c) for a registered political party with a candidate certified as winning a primary
74 election, after the deadline described in Subsection (1)(a) and continuing through the day
75 before that day on which the lieutenant governor makes the certification described in Section
76 20A-5-409, the party's candidate:

77 (i) dies;

78 (ii) resigns because of acquiring a physical or mental disability as certified by a
79 physician;

80 (iii) is disqualified by an election officer for improper filing or nominating procedures;

81 or

82 (iv) resigns to become a candidate for president or vice president of the United States.

83 (2) If no more than two candidates from a political party have filed a declaration of
84 candidacy for an office elected at a regular general election and one resigns to become the party
85 candidate for another position, the state central committee of that political party, for candidates
86 for governor, lieutenant governor, attorney general, state treasurer, and state auditor, and for
87 legislative candidates whose legislative districts encompass more than one county, and the
88 county central committee of that political party, for all other party candidates, may certify the
89 name of another candidate to the appropriate election officer.

90 (3) Each replacement candidate shall file a declaration of candidacy as required by
91 Title 20A, Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy.

92 (4) (a) The name of a candidate who is certified under Subsection (1)(a) after the
93 deadline described in Subsection (1)(a) may not appear on the primary election ballot.

94 (b) The name of a candidate who is certified under Subsection (1)(b) after the deadline
95 described in Subsection (1)(b) may not appear on the general election ballot.

96 (c) The name of a candidate who is certified under Subsection (1)(c) after the deadline
97 described in Subsection (1)(c) may not appear on the general election ballot.

98 Section 2. Section **20A-5-101** is amended to read:

99 **20A-5-101. Notice of election.**

100 (1) On or before November 15 in the year before each regular general election year, the
101 lieutenant governor shall prepare and transmit a written notice to each county clerk that:

102 (a) designates the offices to be filled at the next year's regular general election;

103 (b) identifies the dates for filing a declaration of candidacy, and for submitting and
104 certifying nomination petition signatures under [~~Section~~] Sections 20A-9-403, 20A-9-407, and
105 20A-9-408 for those offices;

106 (c) includes the master ballot position list for the next year and the year following as
107 established under Section 20A-6-305; and

108 (d) contains a description of any ballot propositions to be decided by the voters that
109 have qualified for the ballot as of that date.

110 (2) (a) No later than November 15 in the year before the regular general election year,
111 each county clerk shall:

112 (i) publish a notice:

113 (A) once in a newspaper published in that county; and

114 (B) as required in Section 45-1-101; or

115 (ii) (A) cause a copy of the notice to be posted in a conspicuous place most likely to
116 give notice of the election to the voters in each voting precinct within the county; and

117 (B) prepare an affidavit of that posting, showing a copy of the notice and the places
118 where the notice was posted.

119 (b) The notice required by Subsection (2)(a) shall:

120 (i) designate the offices to be voted on in that election; and

- 121 (ii) identify the dates for filing a declaration of candidacy for those offices.
- 122 (3) Before each election, the election officer shall give written or printed notice of:
- 123 (a) the date and place of election;
- 124 (b) the hours during which the polls will be open;
- 125 (c) the polling places for each voting precinct;
- 126 (d) an election day voting center designated under Section 20A-3-703; and
- 127 (e) the qualifications for persons to vote in the election.

128 (4) To provide the notice required by Subsection (3), the election officer shall publish
 129 the notice at least two days before the election:

- 130 (a) in a newspaper of general circulation common to the area or in which the election is
 131 being held; and
- 132 (b) as required in Section 45-1-101.

133 Section 3. Section 20A-6-301 is amended to read:

134 **20A-6-301. Paper ballots -- Regular general election.**

135 (1) Each election officer shall ensure that:

- 136 (a) all paper ballots furnished for use at the regular general election contain:
- 137 (i) no captions or other endorsements except as provided in this section;
- 138 (ii) no symbols, markings, or other descriptions of a political party or group, except for
 139 a registered political party that has chosen to nominate its candidates in accordance with
 140 Section 20A-9-403; and

141 (iii) no indication that a candidate for elective office has been nominated by, or has
 142 been endorsed by, or is in any way affiliated with a political party or group, unless the
 143 candidate has been nominated by a registered political party in accordance with Subsection
 144 20A-9-202(4) or Subsection 20A-9-403~~(5)~~(9).

145 (b) (i) the paper ballot contains a ballot stub at least one inch wide, placed across the
 146 top of the ballot, and divided from the rest of ballot by a perforated line;

147 (ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the
 148 stub; and

149 (iii) ballot stubs are numbered consecutively;

150 (c) immediately below the perforated ballot stub, the following endorsements are
 151 printed in 18 point bold type:

- 152 (i) "Official Ballot for ____ County, Utah";
- 153 (ii) the date of the election; and
- 154 (iii) a facsimile of the signature of the county clerk and the words "county clerk";
- 155 (d) each ticket is placed in a separate column on the ballot in the order specified under
- 156 Section 20A-6-305 with the party emblem, followed by the party name, at the head of the
- 157 column;
- 158 (e) the party name or title is printed in capital letters not less than one-fourth of an inch
- 159 high;
- 160 (f) a circle one-half inch in diameter is printed immediately below the party name or
- 161 title, and the top of the circle is placed not less than two inches below the perforated line;
- 162 (g) unaffiliated candidates, candidates not affiliated with a registered political party,
- 163 and all other candidates for elective office who were not nominated by a registered political
- 164 party in accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403[~~(5)~~](9), are listed
- 165 in one column in the order specified under Section 20A-6-305, without a party circle, with the
- 166 following instructions printed at the head of the column: "All candidates not affiliated with a
- 167 political party are listed below. They are to be considered with all offices and candidates listed
- 168 to the left. Only one vote is allowed for each office.";
- 169 (h) the columns containing the lists of candidates, including the party name and device,
- 170 are separated by heavy parallel lines;
- 171 (i) the offices to be filled are plainly printed immediately above the names of the
- 172 candidates for those offices;
- 173 (j) the names of candidates are printed in capital letters, not less than one-eighth nor
- 174 more than one-fourth of an inch high in heavy-faced type not smaller than 10 point, between
- 175 lines or rules three-eighths of an inch apart;
- 176 (k) a square with sides measuring not less than one-fourth of an inch in length is
- 177 printed immediately adjacent to the name of each candidate;
- 178 (l) for the offices of president and vice president and governor and lieutenant governor,
- 179 one square with sides measuring not less than one-fourth of an inch in length is printed on the
- 180 same side as but opposite a double bracket enclosing the names of the two candidates;
- 181 (m) in an election in which a voter is authorized to cast a write-in vote and where a
- 182 write-in candidate is qualified under Section 20A-9-601, immediately adjacent to the

183 unaffiliated ticket on the ballot, the ballot contains a write-in column long enough to contain as
184 many written names of candidates as there are persons to be elected with:

185 (i) for each office on the ballot, the office to be filled plainly printed immediately
186 above:

187 (A) a blank, horizontal line to enable the entry of a valid write-in candidate and a
188 square with sides measuring not less than one-fourth of an inch in length printed immediately
189 adjacent to the blank horizontal line; or

190 (B) for the offices of president and vice president and governor and lieutenant
191 governor, two blank horizontal lines, one placed above the other, to enable the entry of two
192 valid write-in candidates, and one square with sides measuring not less than one-fourth of an
193 inch in length printed on the same side as but opposite a double bracket enclosing the two
194 blank horizontal lines; and

195 (ii) the words "Write-In Voting Column" printed at the head of the column without a
196 one-half inch circle;

197 (n) when required, the ballot includes a nonpartisan ticket placed immediately adjacent
198 to the write-in ticket, or, if there is no write-in ticket, immediately adjacent to the unaffiliated
199 ticket, with the word "NONPARTISAN" in reverse type in an 18 point solid rule running
200 vertically the full length of the nonpartisan ballot copy; and

201 (o) constitutional amendments or other questions submitted to the vote of the people,
202 are printed on the ballot after the list of candidates.

203 (2) Each election officer shall ensure that:

204 (a) each person nominated by any registered political party under Subsection
205 [20A-9-202\(4\)](#) or Subsection [20A-9-403](#)~~(5)~~(9), and no other person, is placed on the ballot:

206 (i) under the registered political party's name and emblem, if any; or

207 (ii) under the title of the registered political party as designated by them in their
208 certificates of nomination or petition, or, if none is designated, then under some suitable title;

209 (b) the names of all unaffiliated candidates that qualify as required in Title 20A,
210 Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;

211 (c) the names of the candidates for president and vice president are used on the ballot
212 instead of the names of the presidential electors; and

213 (d) the ballots contain no other names.

214 (3) When the ballot contains a nonpartisan section, the election officer shall ensure
215 that:

216 (a) the designation of the office to be filled in the election and the number of
217 candidates to be elected are printed in type not smaller than eight point;

218 (b) the words designating the office are printed flush with the left-hand margin;

219 (c) the words, "Vote for one" or "Vote for up to _____ (the number of candidates for
220 which the voter may vote)" extend to the extreme right of the column;

221 (d) the nonpartisan candidates are grouped according to the office for which they are
222 candidates;

223 (e) the names in each group are placed in the order specified under Section 20A-6-305
224 with the surnames last; and

225 (f) each group is preceded by the designation of the office for which the candidates
226 seek election, and the words, "Vote for one" or "Vote for up to _____ (the number of
227 candidates for which the voter may vote)," according to the number to be elected.

228 (4) Each election officer shall ensure that:

229 (a) proposed amendments to the Utah Constitution are listed on the ballot in
230 accordance with Section 20A-6-107;

231 (b) ballot propositions submitted to the voters are listed on the ballot in accordance
232 with Section 20A-6-107; and

233 (c) bond propositions that have qualified for the ballot are listed on the ballot under the
234 title assigned to each bond proposition under Section 11-14-206.

235 Section 4. Section 20A-6-302 is amended to read:

236 **20A-6-302. Paper ballots -- Placement of candidates' names.**

237 (1) Each election officer shall ensure, for paper ballots in regular general elections,
238 that:

239 (a) each candidate is listed by party, if nominated by a registered political party under
240 Subsection 20A-9-202(4) or Subsection 20A-9-403[(5)](9);

241 (b) candidates' surnames are listed in alphabetical order on the ballots when two or
242 more candidates' names are required to be listed on a ticket under the title of an office; and

243 (c) the names of candidates are placed on the ballot in the order specified under Section
244 20A-6-305.

245 (2) (a) When there is only one candidate for county attorney at the regular general
246 election in counties that have three or fewer registered voters of the county who are licensed
247 active members in good standing of the Utah State Bar, the county clerk shall cause that
248 candidate's name and party affiliation, if any, to be placed on a separate section of the ballot
249 with the following question: "Shall (name of candidate) be elected to the office of county
250 attorney? Yes ____ No ____."

251 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is
252 elected to the office of county attorney.

253 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not
254 elected and may not take office, nor may the candidate continue in the office past the end of the
255 term resulting from any prior election or appointment.

256 (d) When the name of only one candidate for county attorney is printed on the ballot
257 under authority of this Subsection (2), the county clerk may not count any write-in votes
258 received for the office of county attorney.

259 (e) If no qualified person files for the office of county attorney or if the candidate is not
260 elected by the voters, the county legislative body shall appoint the county attorney as provided
261 in Section [20A-1-509.2](#).

262 (f) If the candidate whose name would, except for this Subsection (2)(f), be placed on
263 the ballot under Subsection (2)(a) has been elected on a ballot under Subsection (2)(a) to the
264 two consecutive terms immediately preceding the term for which the candidate is seeking
265 election, Subsection (2)(a) does not apply and that candidate shall be considered to be an
266 unopposed candidate the same as any other unopposed candidate for another office, unless a
267 petition is filed with the county clerk before the date of that year's primary election that:

268 (i) requests the procedure set forth in Subsection (2)(a) to be followed; and
269 (ii) contains the signatures of registered voters in the county representing in number at
270 least 25% of all votes cast in the county for all candidates for governor at the last election at
271 which a governor was elected.

272 (3) (a) When there is only one candidate for district attorney at the regular general
273 election in a prosecution district that has three or fewer registered voters of the district who are
274 licensed active members in good standing of the Utah State Bar, the county clerk shall cause
275 that candidate's name and party affiliation, if any, to be placed on a separate section of the

276 ballot with the following question: "Shall (name of candidate) be elected to the office of district
277 attorney? Yes ____ No ____."

278 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is
279 elected to the office of district attorney.

280 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not
281 elected and may not take office, nor may the candidate continue in the office past the end of the
282 term resulting from any prior election or appointment.

283 (d) When the name of only one candidate for district attorney is printed on the ballot
284 under authority of this Subsection (3), the county clerk may not count any write-in votes
285 received for the office of district attorney.

286 (e) If no qualified person files for the office of district attorney, or if the only candidate
287 is not elected by the voters under this subsection, the county legislative body shall appoint a
288 new district attorney for a four-year term as provided in Section [20A-1-509.2](#).

289 (f) If the candidate whose name would, except for this Subsection (3)(f), be placed on
290 the ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a) to the
291 two consecutive terms immediately preceding the term for which the candidate is seeking
292 election, Subsection (3)(a) does not apply and that candidate shall be considered to be an
293 unopposed candidate the same as any other unopposed candidate for another office, unless a
294 petition is filed with the county clerk before the date of that year's primary election that:

295 (i) requests the procedure set forth in Subsection (3)(a) to be followed; and

296 (ii) contains the signatures of registered voters in the county representing in number at
297 least 25% of all votes cast in the county for all candidates for governor at the last election at
298 which a governor was elected.

299 Section 5. Section **20A-6-303** is amended to read:

300 **20A-6-303. Regular general election -- Ballot sheets.**

301 (1) Each election officer shall ensure that:

302 (a) copy on the ballot sheets or ballot labels, as applicable, are arranged in
303 approximately the same order as paper ballots;

304 (b) the titles of offices and the names of candidates are printed in vertical columns or in
305 a series of separate pages;

306 (c) the ballot sheet or any pages used for the ballot label are of sufficient number to

307 include, after the list of candidates:

308 (i) the names of candidates for judicial offices and any other nonpartisan offices; and

309 (ii) any ballot propositions submitted to the voters for their approval or rejection;

310 (d) (i) a voting square or position is included where the voter may record a straight

311 party ticket vote for all the candidates of one party by one mark or punch; and

312 (ii) the name of each political party listed in the straight party selection area includes

313 the word "party" at the end of the party's name;

314 (e) the tickets are printed in the order specified under Section 20A-6-305;

315 (f) the office titles are printed immediately adjacent to the names of candidates so as to

316 indicate clearly the candidates for each office and the number to be elected;

317 (g) the party designation of each candidate who has been nominated by a registered

318 political party under Subsection 20A-9-202(4) or Subsection 20A-9-403~~(5)~~(9) is printed

319 immediately adjacent to the candidate's name; and

320 (h) (i) if possible, all candidates for one office are grouped in one column or upon one

321 page;

322 (ii) if all candidates for one office cannot be listed in one column or grouped on one

323 page:

324 (A) the ballot sheet or ballot label shall be clearly marked to indicate that the list of

325 candidates is continued on the following column or page; and

326 (B) approximately the same number of names shall be printed in each column or on

327 each page.

328 (2) Each election officer shall ensure that:

329 (a) proposed amendments to the Utah Constitution are listed in accordance with

330 Section 20A-6-107;

331 (b) ballot propositions submitted to the voters are listed in accordance with Section

332 20A-6-107; and

333 (c) bond propositions that have qualified for the ballot are listed under the title

334 assigned to each bond proposition under Section 11-14-206.

335 Section 6. Section 20A-6-304 is amended to read:

336 **20A-6-304. Regular general election -- Electronic ballots.**

337 (1) Each election officer shall ensure that:

- 338 (a) the format and content of the electronic ballot is arranged in approximately the
339 same order as paper ballots;
- 340 (b) the titles of offices and the names of candidates are displayed in vertical columns or
341 in a series of separate display screens;
- 342 (c) the electronic ballot is of sufficient length to include, after the list of candidates:
343 (i) the names of candidates for judicial offices and any other nonpartisan offices; and
344 (ii) any ballot propositions submitted to the voters for their approval or rejection;
- 345 (d) (i) a voting square or position is included where the voter may record a straight
346 party ticket vote for all the candidates of one party by making a single selection; and
347 (ii) the name of each political party listed in the straight party selection area includes
348 the word "party" at the end of the party's name;
- 349 (e) the tickets are displayed in the order specified under Section 20A-6-305;
- 350 (f) the office titles are displayed above or at the side of the names of candidates so as to
351 indicate clearly the candidates for each office and the number to be elected;
- 352 (g) the party designation of each candidate who has been nominated by a registered
353 political party under Subsection 20A-9-202(4) or Subsection 20A-9-403~~(5)~~(9) is displayed
354 adjacent to the candidate's name; and
- 355 (h) if possible, all candidates for one office are grouped in one column or upon one
356 display screen.
- 357 (2) Each election officer shall ensure that:
- 358 (a) proposed amendments to the Utah Constitution are displayed in accordance with
359 Section 20A-6-107;
- 360 (b) ballot propositions submitted to the voters are displayed in accordance with Section
361 20A-6-107; and
- 362 (c) bond propositions that have qualified for the ballot are displayed under the title
363 assigned to each bond proposition under Section 11-14-206.

364 Section 7. Section 20A-9-101 is amended to read:

365 **20A-9-101. Definitions.**

366 As used in this chapter:

- 367 (1) (a) "Candidates for elective office" means persons who file a declaration of
368 candidacy under Section 20A-9-202 to run in a regular general election for a federal office,

369 constitutional office, multicounty office, or county office.

370 (b) "Candidates for elective office" does not mean candidates for:

371 (i) justice or judge of court of record or not of record;

372 (ii) presidential elector;

373 (iii) any political party offices; and

374 (iv) municipal or local district offices.

375 (2) "Constitutional office" means the state offices of governor, lieutenant governor,
376 attorney general, state auditor, and state treasurer.

377 (3) "Continuing political party" is as defined in Section [20A-8-101](#).

378 (4) (a) "County office" means an elective office where the office holder is selected by
379 voters entirely within one county.

380 (b) "County office" does not mean:

381 (i) the office of justice or judge of any court of record or not of record;

382 (ii) the office of presidential elector;

383 (iii) any political party offices;

384 (iv) any municipal or local district offices; and

385 (v) the office of United States Senator and United States Representative.

386 (5) "Federal office" means an elective office for United States Senator and United
387 States Representative.

388 (6) "Filing officer" means:

389 (a) the lieutenant governor, for:

390 (i) the office of United States Senator and United States Representative; and

391 (ii) all constitutional offices;

392 (b) the county clerk, for county offices and local school district offices, and the county
393 clerk in the filer's county of residence, for multicounty offices;

394 (c) the city or town clerk, for municipal offices; and

395 (d) the local district clerk, for local district offices.

396 (7) "Local district office" means an elected office in a local district.

397 (8) "Local government office" includes county offices, municipal offices, and local

398 district offices and other elective offices selected by the voters from a political division entirely
399 within one county.

400 (9) (a) "Multicounty office" means an elective office where the office holder is selected
401 by the voters from more than one county.

402 (b) "Multicounty office" does not mean:

403 (i) a county office;

404 (ii) a federal office;

405 (iii) the office of justice or judge of any court of record or not of record;

406 (iv) the office of presidential elector;

407 (v) any political party offices; and

408 (vi) any municipal or local district offices.

409 (10) "Municipal office" means an elective office in a municipality.

410 (11) (a) "Political division" means a geographic unit from which an office holder is
411 elected and that an office holder represents.

412 (b) "Political division" includes a county, a city, a town, a local district, a school
413 district, a legislative district, and a county prosecution district.

414 (12) "Qualified political party" means ~~[a registered political party that]:~~

415 ~~[(a) permits voters who are unaffiliated with any political party to vote for the~~
416 ~~registered political party's candidates in a primary election;]~~

417 (a) as it relates to an election held before January 1, 2017, a registered political party;
418 and

419 (b) as it relates to an election held on or after January 1, 2017, a registered political
420 party that:

421 ~~[(b)]~~ (i) (A) permits a delegate for the registered political party to vote on a candidate
422 nomination in the registered political party's convention remotely; or

423 ~~[(c)]~~ (B) provides a procedure for designating an alternate delegate if a delegate is not
424 present at the registered political party's convention;

425 ~~[(d)]~~ (ii) does not hold the registered political party's convention before April 1 of an
426 even-numbered year;

427 ~~[(e)]~~ (iii) permits a member of the registered political party to seek the registered
428 political party's nomination for any elective office by the member choosing to seek the
429 nomination by either or both of the following methods:

430 ~~[(f)]~~ (A) seeking the nomination through the registered political party's convention

431 process, in accordance with the provisions of Section 20A-9-407; or

432 [(ii)] (B) seeking the nomination by collecting signatures, in accordance with the
433 provisions of Section 20A-9-408; and

434 [(e)] (iv) no later than 5 p.m. on September 30 of an odd-numbered year, certifies to
435 the lieutenant governor that, for the election in the following year, the registered political party
436 intends to nominate the registered political party's candidates in accordance with the provisions
437 of Sections 20A-9-407 and 20A-9-408.

438 Section 8. Section 20A-9-403 is amended to read:

439 **20A-9-403. Regular primary elections.**

440 (1) (a) Candidates for elective office that are to be filled at the next regular general
441 election shall be nominated in a regular primary election by direct vote of the people in the
442 manner prescribed in this section. The fourth Tuesday of June of each even-numbered year is
443 designated as regular primary election day. Nothing in this section shall affect a candidate's
444 ability to qualify for a regular general election's ballot as an unaffiliated candidate under
445 Section 20A-9-501 or to participate in a regular general election as a write-in candidate under
446 Section 20A-9-601.

447 (b) Each registered political party that chooses to have the names of its candidates for
448 elective office featured with party affiliation on the ballot at a regular general election shall
449 comply with the requirements of this section and shall nominate its candidates for elective
450 office in the manner prescribed in this section.

451 (c) A filing officer may not permit an official ballot at a regular general election to be
452 produced or used if the ballot denotes affiliation between a registered political party or any
453 other political group and a candidate for elective office who was not nominated in the manner
454 prescribed in this section or in Subsection 20A-9-202(4).

455 (d) Unless noted otherwise, the dates in this section refer to those that occur in each
456 even-numbered year in which a regular general election will be held.

457 ~~[(2) (a) Each registered political party, in a statement filed with the lieutenant governor,~~
458 ~~shall:]~~

459 ~~[(i) either declare their intent to participate in the next regular primary election or~~
460 ~~declare that the registered political party chooses not to have the names of its candidates for~~
461 ~~elective office featured on the ballot at the next regular general election;]~~

462 ~~[(ii) if the registered political party participates in the upcoming regular primary~~
463 ~~election, identify one or more registered political parties whose members may vote for the~~
464 ~~registered political party's candidates and whether or not persons identified as unaffiliated with~~
465 ~~a political party may vote for the registered political party's candidates; and]~~

466 ~~[(iii) if the registered political party participates in the upcoming regular primary~~
467 ~~election, indicate whether it chooses to nominate unopposed candidates without their name~~
468 ~~appearing on the ballot, as described under Subsection (5)(c).]~~

469 (2) For an election held before January 1, 2017, a registered political party shall, in a
470 statement filed with the lieutenant governor before the applicable deadline described in
471 Subsection (6):

472 (a) (i) declare whether the registered political party chooses to nominate the registered
473 political party's candidates:

474 (A) as a qualified political party, in accordance with Section [20A-9-406](#); or

475 (B) in accordance with this section;

476 (ii) identify one or more registered political parties whose members may vote for the
477 registered political party's candidates in the primary election;

478 (iii) indicate whether the registered political party chooses to permit individuals who
479 are unaffiliated with a registered political party to vote for the registered political party's
480 candidates in the primary election; and

481 (iv) indicate whether the registered political party chooses to nominate unopposed
482 candidates without the candidates' names appearing on the ballot, as described in Subsection
483 (9)(c); or

484 (b) declare that the registered political party will not participate in the primary election.

485 (3) For an election held before January 1, 2017:

486 (a) if a registered political party timely makes the declaration described in Subsection
487 (2)(b), the election officer:

488 (i) shall place the name of the party's candidate for each office on the general election
489 ballot without any indication of party affiliation; and

490 (ii) may not list the party's candidates as unaffiliated; and

491 (b) a registered political party that fails to timely file a statement described in
492 Subsection (2), by failing to file the statement, indicates by default that the registered political

493 party:

494 (i) chooses to nominate the registered political party's candidates as a qualified political
495 party, in accordance with Section 20A-9-406;

496 (ii) chooses to only permit a member of the registered political party to vote for the
497 registered political party's candidates in the primary election;

498 (iii) chooses to prohibit individuals who are unaffiliated with a registered political
499 party to vote for the registered political party's candidates in the primary election; and

500 (iv) chooses to nominate unopposed candidates without the candidates' names
501 appearing on the ballot, as described in Subsection (9)(c).

502 (4) For an election held on or after January 1, 2017, a registered political party that is
503 not a qualified political party shall, in a statement filed with the lieutenant governor before the
504 applicable deadline described in Subsection (6):

505 (a) (i) declare that the registered political party chooses to nominate the registered
506 political party's candidates in accordance with this section;

507 (ii) identify one or more registered political parties whose members may vote for the
508 registered political party's candidates in the primary election;

509 (iii) indicate whether the registered political party chooses to permit individuals who
510 are unaffiliated with a registered political party to vote for the registered political party's
511 candidates in the primary election; and

512 (iv) indicate whether the registered political party chooses to nominate unopposed
513 candidates without the candidates' names appearing on the ballot, as described in Subsection
514 (9)(c); or

515 (b) declare that the registered political party will not participate in the primary election.

516 (5) For an election held on or after January 1, 2017:

517 (a) if a registered political party timely makes the declaration described in Subsection
518 (4)(b), the election officer:

519 (i) shall place the name of the party's candidate for each office on the general election
520 ballot without any indication of party affiliation; and

521 (ii) may not list the party's candidates as unaffiliated; and

522 (b) a registered political party that fails to timely file a statement described in
523 Subsection (4), by failing to file the statement, indicates by default that the registered political

524 party:

525 (i) chooses to nominate the registered political party's candidates in accordance with
526 this section;

527 (ii) chooses to only permit a member of the registered political party to vote for the
528 registered political party's candidates in the primary election;

529 (iii) chooses to prohibit individuals who are unaffiliated with a registered political
530 party to vote for the registered political party's candidates in the primary election; and

531 (iv) chooses to nominate unopposed candidates without the candidates' names
532 appearing on the ballot, as described in Subsection (9)(c).

533 ~~[(b)]~~ (6) A registered political party that is a continuing political party must file the
534 statement described in Subsection (2)~~[(a)]~~ or (4), as applicable, with the lieutenant governor no
535 later than 5 p.m. on November 15 of each odd-numbered year. An organization that is seeking
536 to become a registered political party under Section 20A-8-103 must file the statement
537 described in Subsection (2)~~[(b)]~~ or (4), as applicable, no later than 5 p.m. on February 15.

538 ~~[(3)]~~ (7) (a) Except as provided in Subsection ~~[(3)]~~ (7)(e), a person who has submitted
539 a declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective
540 office on the regular primary ballot of the registered political party listed on the declaration of
541 candidacy only if the person is certified by the appropriate filing officer as having submitted a
542 set of nomination petitions that was:

543 (i) circulated and completed in accordance with Section 20A-9-405; and

544 (ii) signed by at least two percent of the registered political party's members who reside
545 in the political division of the office that the person seeks.

546 (b) A candidate for elective office shall submit nomination petitions to the appropriate
547 filing officer for verification and certification no later than 5 p.m. on the final day in March.
548 Candidates may supplement their submissions at any time on or before the filing deadline.

549 (c) The lieutenant governor shall determine for each elective office the total number of
550 signatures that must be submitted under Subsection ~~[(3)]~~ (7)(a)(ii) by counting the aggregate
551 number of persons residing in each elective office's political division who have designated a
552 particular registered political party on their voter registration forms as of November 1 of each
553 odd-numbered year. The lieutenant governor shall publish this determination for each elective
554 office no later than November 15 of each odd-numbered year.

- 555 (d) The filing officer shall:
- 556 (i) verify signatures on nomination petitions in a transparent and orderly manner;
- 557 (ii) for all qualifying candidates for elective office who submitted nomination petitions
- 558 to the filing officer, issue certifications referenced in Subsection [~~(3)~~] (7)(a) no later than 5
- 559 p.m. on the first Monday after the third Saturday in April;
- 560 (iii) consider active and inactive voters eligible to sign nomination petitions;
- 561 (iv) consider a person who signs a nomination petition a member of a registered
- 562 political party for purposes of Subsection [~~(3)~~] (7)(a)(ii) if the person has designated that
- 563 registered political party as their preferred party affiliation on their voter registration form prior
- 564 to 5 p.m. on the final day in March; and
- 565 (v) utilize procedures described in Section 20A-7-206.3 to verify submitted nomination
- 566 petition signatures, or use statistical sampling procedures to verify submitted nomination
- 567 petition signatures pursuant to rules issued by the lieutenant governor under Subsection [~~(3)~~]
- 568 (7)(f).
- 569 (e) Notwithstanding any other provision in this Subsection [~~(3)~~] (7), a candidate for
- 570 lieutenant governor may appear on the regular primary ballot of a registered political party
- 571 without submitting nomination petitions if the candidate files a declaration of candidacy and
- 572 complies with Subsection 20A-9-202(3).
- 573 (f) The lieutenant governor shall issue rules that provide for the use of statistical
- 574 sampling procedures for filing officers to verify signatures under Subsection [~~(3)~~] (7)(d). The
- 575 statistical sampling procedures shall reflect a bona fide effort to determine the validity of a
- 576 candidate's entire submission, using widely recognized statistical sampling techniques. The
- 577 lieutenant governor may also issue supplemental rules and guidance that provide for the
- 578 transparent, orderly, and timely submission, verification, and certification of nomination
- 579 petition signatures.
- 580 (g) The county clerk shall:
- 581 (i) review the declarations of candidacy filed by candidates for local boards of
- 582 education to determine if more than two candidates have filed for the same seat;
- 583 (ii) place the names of all candidates who have filed a declaration of candidacy for a
- 584 local board of education seat on the nonpartisan section of the ballot if more than two
- 585 candidates have filed for the same seat; and

586 (iii) determine the order of the local board of education candidates' names on the ballot
587 in accordance with Section 20A-6-305.

588 [~~(4)~~] (8) (a) By 5 p.m. on the first Wednesday after the third Saturday in April, the
589 lieutenant governor shall provide to the county clerks:

590 (i) a list of the names of all candidates for federal, constitutional, multi-county, and
591 county offices who have received certifications under Subsection [~~(3)~~] (7), along with
592 instructions on how those names shall appear on the primary-election ballot in accordance with
593 Section 20A-6-305; and

594 (ii) a list of unopposed candidates for elective office who have been nominated by a
595 registered political party under Subsection [~~(5)~~] (9)(c) and instruct the county clerks to exclude
596 such candidates from the primary-election ballot.

597 (b) A candidate for lieutenant governor and a candidate for governor campaigning as
598 joint-ticket running mates shall appear jointly on the primary-election ballot.

599 (c) After the county clerk receives the certified list from the lieutenant governor under
600 Subsection [~~(4)~~] (8)(a), the county clerk shall post or publish a primary election notice in
601 substantially the following form:

602 "Notice is given that a primary election will be held Tuesday, June ____,
603 ____ (year), to nominate party candidates for the parties and candidates for nonpartisan
604 local school board positions listed on the primary ballot. The polling place for voting precinct
605 ____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.

606 Attest: county clerk."

607 [~~(5)~~] (9) (a) Candidates, other than presidential candidates, receiving the highest
608 number of votes cast for each office at the regular primary election are nominated by their
609 registered political party for that office or are nominated as a candidate for a nonpartisan local
610 school board position.

611 (b) If two or more candidates, other than presidential candidates, are to be elected to
612 the office at the regular general election, those party candidates equal in number to positions to
613 be filled who receive the highest number of votes at the regular primary election are the
614 nominees of their party for those positions.

615 (c) A candidate who is unopposed for an elective office in the regular primary election
616 of a registered political party is nominated by the party for that office without appearing on the

617 primary ballot, provided that the party has chosen to nominate unopposed candidates under
618 Subsection (2)(a)[~~(iii)~~](iv), (3)(b)(iv), (4)(a)(iii), (4)(a)(iv), or (5)(b)(iv). A candidate is
619 "unopposed" if no person other than the candidate has received a certification under Subsection
620 [~~(3)~~] (7) for the regular primary election ballot of the candidate's registered political party for a
621 particular elective office.

622 [~~(6)~~] (10) (a) When a tie vote occurs in any primary election for any national, state, or
623 other office that represents more than one county, the governor, lieutenant governor, and
624 attorney general shall, at a public meeting called by the governor and in the presence of the
625 candidates involved, select the nominee by lot cast in whatever manner the governor
626 determines.

627 (b) When a tie vote occurs in any primary election for any county office, the district
628 court judges of the district in which the county is located shall, at a public meeting called by
629 the judges and in the presence of the candidates involved, select the nominee by lot cast in
630 whatever manner the judges determine.

631 [~~(7)~~] (11) The expense of providing all ballots, blanks, or other supplies to be used at
632 any primary election provided for by this section, and all expenses necessarily incurred in the
633 preparation for or the conduct of that primary election shall be paid out of the treasury of the
634 county or state, in the same manner as for the regular general elections.

635 Section 9. Section **20A-9-405** is amended to read:

636 **20A-9-405. Nomination petitions for regular primary elections.**

637 (1) This section shall apply to the form and circulation of nomination petitions for
638 regular primary elections described in Subsection **20A-9-403**[~~(3)~~](7)(a).

639 (2) A candidate for elective office, and the agents of the candidate, may not circulate
640 nomination petitions until the candidate has submitted a declaration of candidacy in accordance
641 with Subsection **20A-9-202**(1).

642 (3) The nomination petitions shall be in substantially the following form:

643 (a) the petition shall be printed on paper 8-1/2 inches long and 11 inches wide;

644 (b) the petition shall be ruled with a horizontal line 3/4 inch from the top, with the
645 space above that line blank for purposes of binding;

646 (c) the petition shall be headed by a caption stating the purpose of the petition and the
647 name of the proposed candidate;

648 (d) the petition shall feature the word "Warning" followed by the following statement
649 in no less than eight-point, single leaded type: "It is a class A misdemeanor for anyone to
650 knowingly sign a certificate of nomination signature sheet with any name other than the
651 person's own name or more than once for the same candidate or if the person is not registered
652 to vote in this state and does not intend to become registered to vote in this state before
653 signatures are certified by a filing officer.";

654 (e) the petition shall feature 10 lines spaced one-half inch apart and consecutively
655 numbered one through 10;

656 (f) the signature portion of the petition shall be divided into columns headed by the
657 following titles:

- 658 (i) Registered Voter's Printed Name;
- 659 (ii) Signature of Registered Voter;
- 660 (iii) Party Affiliation of Registered Voter;
- 661 (iv) Birth Date or Age (Optional);
- 662 (v) Street Address, City, Zip Code; and
- 663 (vi) Date of Signature; and

664 (g) a photograph of the candidate may appear on the nomination petition.

665 (4) If one or more nomination petitions are bound together, a page shall be bound to
666 the nomination petition(s) that features the following printed verification statement to be signed
667 and dated by the petition circulator:

668 "Verification

669 State of Utah, County of ____

670 I, ____, of ____, hereby state under that:

671 I am a Utah resident and am at least 18 years old;

672 All the names that appear on the signature sheets bound to this page were, to the best of
673 my knowledge, signed by the persons who professed to be the persons whose names appear on
674 the signature sheets, and each of them signed the person's name on the signature sheets in my
675 presence;

676 I believe that each has printed and signed the person's name and written the person's
677 street address correctly, and that each signer is registered to vote in Utah or will register to vote
678 in Utah before the county clerk certifies the signatures on the signature sheet."

679 (5) The lieutenant governor shall prepare and make public model nomination petition
680 forms and associated instructions.

681 (6) A nomination petition circulator must be at least 18 years old and a resident of the
682 state, but may affiliate with any political party.

683 (7) It is unlawful for any person to:

684 (a) knowingly sign the nomination petition sheet described in Subsection (3):

685 (i) with any name other than the person's own name;

686 (ii) more than once for the same candidate; or

687 (iii) if the person is not registered to vote in this state and does not intend to become
688 registered to vote in this state prior to 5 p.m. on the final day in March;

689 (b) sign the verification of a certificate of nomination signature sheet described in
690 Subsection (4) if the person:

691 (i) does not meet the residency requirements of Section [20A-2-105](#);

692 (ii) has not witnessed the signing by those persons whose names appear on the
693 certificate of nomination signature sheet; or

694 (iii) knows that a person whose signature appears on the certificate of nomination
695 signature sheet is not registered to vote in this state and does not intend to become registered to
696 vote in this state;

697 (c) pay compensation to any person to sign a nomination petition; or

698 (d) pay compensation to any person to circulate a nomination petition, if the
699 compensation is based directly on the number of signatures submitted to a filing officer rather
700 than on the number of signatures verified or on some other basis.

701 (8) Any person violating Subsection (7) is guilty of a class A misdemeanor.

702 (9) Withdrawal of petition signatures shall not be permitted.

703 Section 10. Section **20A-9-406** is amended to read:

704 **20A-9-406. Qualified political party -- Requirements and exemptions.**

705 The following provisions apply to a qualified political party:

706 (1) the qualified political party shall certify to the lieutenant governor no later than 5
707 p.m. on March 1 of each even-numbered year:

708 (a) the identity of one or more registered political parties whose members may vote for
709 the qualified political party's candidates in the primary election; [~~and~~]

710 (b) whether the qualified political party chooses to permit unaffiliated voters to vote for
711 the qualified political party's candidates in the primary election; and

712 ~~[(b)]~~ (c) whether the qualified political party chooses to nominate unopposed
713 candidates without the names of the candidates appearing on the ballot~~[, as described in~~
714 ~~Subsection 20A-9-403(5)(c)];~~

715 (2) the provisions of Subsections 20A-9-403(1) ~~[through (4)(a), Subsection~~
716 ~~20A-9-403(5)(c)], (7), (8)(a), and (9), and Section 20A-9-405 do not apply to a nomination for~~
717 the qualified political party;

718 (3) an individual may only obtain a nomination for the qualified political party by using
719 a method described in Section 20A-9-407, Section 20A-9-408, or both;

720 (4) the qualified political party shall comply with the provisions of Sections
721 20A-9-407, 20A-9-408, and 20A-9-409;

722 (5) notwithstanding Subsection 20A-6-301(1)(a), (1)(g), or (2)(a), each election officer
723 shall ensure that a ballot described in Section 20A-6-301 includes each person nominated by a
724 qualified political party under Section 20A-9-407 or 20A-9-408:

725 (a) under the qualified political party's name and emblem, if any; or

726 (b) under the title of the qualified registered political party as designated by the
727 qualified political party in the certification described in Subsection (1), or, if none is
728 designated, then under some suitable title;

729 (6) notwithstanding Subsection 20A-6-302(1)(a), each election officer shall ensure, for
730 paper ballots in regular general elections, that each candidate who is nominated by the qualified
731 political party is listed by party;

732 (7) notwithstanding Subsection 20A-6-303(1)(g), each election officer shall ensure that
733 the party designation of each candidate who is nominated by the qualified political party is
734 printed immediately adjacent to the candidate's name on ballot sheets or ballot labels;

735 (8) notwithstanding Subsection 20A-6-304(1)(g), each election officer shall ensure that
736 the party designation of each candidate who is nominated by the qualified political party is
737 displayed adjacent to the candidate's name on an electronic ballot;

738 (9) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also
739 includes an individual who files a declaration of candidacy under Section 20A-9-407 or
740 20A-9-408 to run in a regular general election for a federal office, constitutional office,

741 multicounty office, or county office;

742 (10) an individual who is nominated by, or seeking the nomination of, the qualified
743 political party is not required to comply with Subsection 20A-9-201(1)(c);

744 (11) notwithstanding Subsection 20A-9-403~~(3)~~(7), the qualified political party is
745 entitled to have each of the qualified political party's candidates for elective office appear on
746 the primary ballot of the qualified political party with an indication that each candidate is a
747 candidate for the qualified political party;

748 (12) notwithstanding Subsection 20A-9-403~~(4)~~(8)(a), the lieutenant governor shall
749 include on the list provided by the lieutenant governor to the county clerks:

750 (a) the names of all candidates of the qualified political party for federal, constitutional,
751 multicounty, and county offices; and

752 (b) the names of unopposed candidates for elective office who have been nominated by
753 the qualified political party and instruct the county clerks to exclude such candidates from the
754 primary-election ballot;

755 (13) notwithstanding Subsection 20A-9-403~~(5)~~(9)(c), a candidate who is unopposed
756 for an elective office in the regular primary election of the qualified political party is nominated
757 by the party for that office without appearing on the primary ballot, provided that the party has
758 chosen to nominate unopposed candidates under Subsection 20A-9-403(2)(a)~~(iii)~~(iv),
759 20A-9-403(3)(b)(iv), 20A-9-403(4)(a)(iii), 20A-9-403(4)(a)(iv), or 20A-9-403(5)(b)(iv); and

760 (14) notwithstanding the provisions of [~~Subsections~~] Subsection 20A-9-403(1) [and
761 ~~(2)]~~ and Section 20A-9-405, the qualified political party is entitled to have the names of its
762 candidates for elective office featured with party affiliation on the ballot at a regular general
763 election.

764 Section 11. Section 20A-9-701 is amended to read:

765 **20A-9-701. Certification of party candidates to county clerks -- Display on ballot.**

766 (1) No later than August 31 of each regular general election year, the lieutenant
767 governor shall certify to each county clerk the names of each candidate nominated under
768 Subsection 20A-9-202(4) or Subsection 20A-9-403~~(5)~~(9) for offices to be voted upon at the
769 regular general election in that county clerk's county.

770 (2) The names shall be certified by the lieutenant governor and shall be displayed on
771 the ballot as they are provided on the candidate's declaration of candidacy. No other names

772 may appear on the ballot as affiliated with, endorsed by, or nominated by any other registered
773 political party, political party, or other political group.

774 Section 12. Section **20A-11-201** is amended to read:

775 **20A-11-201. State office candidate -- Separate bank account for campaign funds**
776 **-- No personal use -- Contribution reporting deadline -- Report other accounts.**

777 (1) (a) Each state office candidate or the candidate's personal campaign committee
778 shall deposit each contribution and public service assistance received in one or more separate
779 campaign accounts in a financial institution.

780 (b) A state office candidate or a candidate's personal campaign committee may not use
781 money deposited in a campaign account for:

- 782 (i) a personal use expenditure; or
783 (ii) an expenditure prohibited by law.

784 (2) A state office candidate or the candidate's personal campaign committee may not
785 deposit or mingle any contributions received into a personal or business account.

786 (3) If a person who is no longer a state office candidate chooses not to expend the
787 money remaining in a campaign account, the person shall continue to file the year-end
788 summary report required by Section **20A-11-203** until the statement of dissolution and final
789 summary report required by Section **20A-11-205** are filed with the lieutenant governor.

790 (4) (a) Except as provided in Subsection (4)(b) and Section **20A-11-402**, a person who
791 is no longer a state office candidate may not expend or transfer the money in a campaign
792 account in a manner that would cause the former state office candidate to recognize the money
793 as taxable income under federal tax law.

794 (b) A person who is no longer a state office candidate may transfer the money in a
795 campaign account in a manner that would cause the former state office candidate to recognize
796 the money as taxable income under federal tax law if the transfer is made to a campaign
797 account for federal office.

798 (5) (a) As used in this Subsection (5) and Section **20A-11-204**, "received" means:

799 (i) for a cash contribution, that the cash is given to a state office candidate or a member
800 of the candidate's personal campaign committee;

801 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
802 instrument or check is negotiated; and

803 (iii) for any other type of contribution, that any portion of the contribution's benefit
804 inures to the state office candidate.

805 (b) Each state office candidate shall report to the lieutenant governor each contribution
806 and public service assistance received by the state office candidate:

807 (i) except as provided in Subsection (5)(b)(ii), within 30 days after the day on which
808 the contribution or public service assistance is received; or

809 (ii) within three business days after the day on which the contribution or public service
810 assistance is received, if:

811 (A) the state office candidate is contested in a convention and the contribution or
812 public service assistance is received within 30 days before the day on which the convention is
813 held;

814 (B) the state office candidate is contested in a primary election and the contribution or
815 public service assistance is received within 30 days before the day on which the primary
816 election is held; or

817 (C) the state office candidate is contested in a general election and the contribution or
818 public service assistance is received within 30 days before the day on which the general
819 election is held.

820 (c) ~~[Except as provided in Subsection (5)(d), for]~~ For each contribution or provision of
821 public service assistance that a state office candidate fails to report within the time period
822 described in Subsection (5)(b), the lieutenant governor shall impose a fine against the state
823 office candidate in an amount equal to:

824 (i) ~~[the greater of \$50 or 15%]~~ the lesser of \$50 or 20% of the amount of the
825 contribution; or

826 (ii) ~~[the greater of \$50 or 15%]~~ the lesser of \$50 or 20% of the value of the public
827 service assistance.

828 ~~[(d) A fine described in Subsection (5)(c) may not exceed the amount of the
829 contribution or the value of the public service assistance to which the fine relates.]~~

830 ~~[(e)]~~ (d) The lieutenant governor shall:

831 (i) deposit money received under Subsection (5)(c) into the General Fund; and

832 (ii) report on the lieutenant governor's website, in the location where reports relating to
833 each state office candidate are available for public access:

834 (A) each fine imposed by the lieutenant governor against the state office candidate;

835 (B) the amount of the fine;

836 (C) the amount of the contribution to which the fine relates; and

837 (D) the date of the contribution.

838 (6) (a) As used in this Subsection (6), "account" means an account in a financial
839 institution:

840 (i) that is not described in Subsection (1)(a); and

841 (ii) into which or from which a person who, as a candidate for an office, other than the
842 state office for which the person files a declaration of candidacy or federal office, or as a holder
843 of an office, other than a state office for which the person files a declaration of candidacy or
844 federal office, deposits a contribution or makes an expenditure.

845 (b) A state office candidate shall include on any financial statement filed in accordance
846 with this part:

847 (i) a contribution deposited in an account:

848 (A) since the last campaign finance statement was filed; or

849 (B) that has not been reported under a statute or ordinance that governs the account; or

850 (ii) an expenditure made from an account:

851 (A) since the last campaign finance statement was filed; or

852 (B) that has not been reported under a statute or ordinance that governs the account.

853 Section 13. Section **20A-11-301** is amended to read:

854 **20A-11-301. Legislative office candidate -- Campaign finance requirements --**
855 **Candidate as a political action committee officer -- No personal use -- Contribution**
856 **reporting deadline -- Report other accounts.**

857 (1) (a) (i) Each legislative office candidate shall deposit each contribution and public
858 service assistance received in one or more separate accounts in a financial institution that are
859 dedicated only to that purpose.

860 (ii) A legislative office candidate may:

861 (A) receive a contribution or public service assistance from a political action

862 committee registered under Section [20A-11-601](#); and

863 (B) be designated by a political action committee as an officer who has primary
864 decision-making authority as described in Section [20A-11-601](#).

865 (b) A legislative office candidate or the candidate's personal campaign committee may
866 not use money deposited in an account described in Subsection (1)(a)(i) for:

- 867 (i) a personal use expenditure; or
868 (ii) an expenditure prohibited by law.

869 (2) A legislative office candidate may not deposit or mingle any contributions or public
870 service assistance received into a personal or business account.

871 (3) If a person who is no longer a legislative candidate chooses not to expend the
872 money remaining in a campaign account, the person shall continue to file the year-end
873 summary report required by Section 20A-11-302 until the statement of dissolution and final
874 summary report required by Section 20A-11-304 are filed with the lieutenant governor.

875 (4) (a) Except as provided in Subsection (4)(b) and Section 20A-11-402, a person who
876 is no longer a legislative office candidate may not expend or transfer the money in a campaign
877 account in a manner that would cause the former legislative office candidate to recognize the
878 money as taxable income under federal tax law.

879 (b) A person who is no longer a legislative office candidate may transfer the money in
880 a campaign account in a manner that would cause the former legislative office candidate to
881 recognize the money as taxable income under federal tax law if the transfer is made to a
882 campaign account for federal office.

883 (5) (a) As used in this Subsection (5) and Section 20A-11-303, "received" means:

- 884 (i) for a cash contribution, that the cash is given to a legislative office candidate or a
885 member of the candidate's personal campaign committee;
886 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
887 instrument or check is negotiated; and
888 (iii) for any other type of contribution, that any portion of the contribution's benefit
889 inures to the legislative office candidate.

890 (b) Each legislative office candidate shall report to the lieutenant governor each
891 contribution and public service assistance received by the legislative office candidate:

- 892 (i) except as provided in Subsection (5)(b)(ii), within 30 days after the day on which
893 the contribution or public service assistance is received; or
894 (ii) within three business days after the day on which the contribution or public service
895 assistance is received, if:

896 (A) the legislative office candidate is contested in a convention and the contribution or
897 public service assistance is received within 30 days before the day on which the convention is
898 held;

899 (B) the legislative office candidate is contested in a primary election and the
900 contribution or public service assistance is received within 30 days before the day on which the
901 primary election is held; or

902 (C) the legislative office candidate is contested in a general election and the
903 contribution or public service assistance is received within 30 days before the day on which the
904 general election is held.

905 (c) [~~Except as provided in Subsection (5)(d), for~~] For each contribution or provision of
906 public service assistance that a legislative office candidate fails to report within the time period
907 described in Subsection (5)(b), the lieutenant governor shall impose a fine against the
908 legislative office candidate in an amount equal to:

909 (i) [~~the greater of \$50 or 15%~~] the lesser of \$50 or 20% of the amount of the
910 contribution; or

911 (ii) [~~the greater of \$50 or 15%~~] the lesser of \$50 or 20% of the value of the public
912 service assistance.

913 [~~(d) A fine described in Subsection (5)(c) may not exceed the amount of the
914 contribution or the value of the public service assistance to which the fine relates.]~~

915 [~~(e)~~] (d) The lieutenant governor shall:

916 (i) deposit money received under Subsection (5)(c) into the General Fund; and

917 (ii) report on the lieutenant governor's website, in the location where reports relating to
918 each legislative office candidate are available for public access:

919 (A) each fine imposed by the lieutenant governor against the legislative office
920 candidate;

921 (B) the amount of the fine;

922 (C) the amount of the contribution to which the fine relates; and

923 (D) the date of the contribution.

924 (6) (a) As used in this Subsection (6), "account" means an account in a financial
925 institution:

926 (i) that is not described in Subsection (1)(a)(i); and

927 (ii) into which or from which a person who, as a candidate for an office, other than a
 928 legislative office for which the person files a declaration of candidacy or federal office, or as a
 929 holder of an office, other than a legislative office for which the person files a declaration of
 930 candidacy or federal office, deposits a contribution or makes an expenditure.

931 (b) A legislative office candidate shall include on any financial statement filed in
 932 accordance with this part:

933 (i) a contribution deposited in an account:

934 (A) since the last campaign finance statement was filed; or

935 (B) that has not been reported under a statute or ordinance that governs the account; or

936 (ii) an expenditure made from an account:

937 (A) since the last campaign finance statement was filed; or

938 (B) that has not been reported under a statute or ordinance that governs the account.

939 Section 14. Section **20A-11-1301** is amended to read:

940 **20A-11-1301. School board office candidate -- Campaign finance requirements --**
 941 **Candidate as a political action committee officer -- No personal use -- Contribution**
 942 **reporting deadline -- Report other accounts.**

943 (1) (a) (i) Each school board office candidate shall deposit each contribution and public
 944 service assistance received in one or more separate accounts in a financial institution that are
 945 dedicated only to that purpose.

946 (ii) A school board office candidate may:

947 (A) receive a contribution or public service assistance from a political action
 948 committee registered under Section [20A-11-601](#); and

949 (B) be designated by a political action committee as an officer who has primary
 950 decision-making authority as described in Section [20A-11-601](#).

951 (b) A school board office candidate may not use money deposited in an account
 952 described in Subsection (1)(a)(i) for:

953 (i) a personal use expenditure; or

954 (ii) an expenditure prohibited by law.

955 (2) A school board office candidate may not deposit or mingle any contributions or
 956 public service assistance received into a personal or business account.

957 (3) A school board office candidate may not make any political expenditures prohibited

958 by law.

959 (4) If a person who is no longer a school board candidate chooses not to expend the
960 money remaining in a campaign account, the person shall continue to file the year-end
961 summary report required by Section 20A-11-1302 until the statement of dissolution and final
962 summary report required by Section 20A-11-1304 are filed with the lieutenant governor.

963 (5) (a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who
964 is no longer a school board candidate may not expend or transfer the money in a campaign
965 account in a manner that would cause the former school board candidate to recognize the
966 money as taxable income under federal tax law.

967 (b) A person who is no longer a school board candidate may transfer the money in a
968 campaign account in a manner that would cause the former school board candidate to recognize
969 the money as taxable income under federal tax law if the transfer is made to a campaign
970 account for federal office.

971 (6) (a) As used in this Subsection (6) and Section 20A-11-1303, "received" means:

972 (i) for a cash contribution, that the cash is given to a school board office candidate or a
973 member of the candidate's personal campaign committee;

974 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
975 instrument or check is negotiated; and

976 (iii) for any other type of contribution, that any portion of the contribution's benefit
977 inures to the school board office candidate.

978 (b) Each school board office candidate shall report to the chief election officer each
979 contribution and public service assistance received by the school board office candidate:

980 (i) except as provided in Subsection (6)(b)(ii), within 30 days after the day on which
981 the contribution or public service assistance is received; or

982 (ii) within three business days after the day on which the contribution or public service
983 assistance is received, if:

984 (A) the school board office candidate is contested in a primary election and the
985 contribution or public service assistance is received within 30 days before the day on which the
986 primary election is held; or

987 (B) the school board office candidate is contested in a general election and the
988 contribution or public service assistance is received within 30 days before the day on which the

989 general election is held.

990 (c) ~~[Except as provided in Subsection (6)(d), for]~~ For each contribution or provision of
991 public service assistance that a school board office candidate fails to report within the time
992 period described in Subsection (6)(b), the chief election officer shall impose a fine against the
993 school board office candidate in an amount equal to:

994 (i) ~~[the greater of \$50 or 15%]~~ the lesser of \$50 or 20% of the amount of the
995 contribution; or

996 (ii) ~~[the greater of \$50 or 15%]~~ the lesser of \$50 or 20% of the value of the public
997 service assistance.

998 ~~[(d) A fine described in Subsection (6)(c) may not exceed the amount of the
999 contribution or the value of the public service assistance to which the fine relates.]~~

1000 ~~[(e)]~~ (d) The chief election officer shall:

1001 (i) deposit money received under Subsection (6)(c) into the General Fund; and

1002 (ii) report on the chief election officer's website, in the location where reports relating
1003 to each school board office candidate are available for public access:

1004 (A) each fine imposed by the chief election officer against the school board office
1005 candidate;

1006 (B) the amount of the fine;

1007 (C) the amount of the contribution to which the fine relates; and

1008 (D) the date of the contribution.

1009 (7) (a) As used in this Subsection (7), "account" means an account in a financial
1010 institution:

1011 (i) that is not described in Subsection (1)(a)(i); and

1012 (ii) into which or from which a person who, as a candidate for an office, other than a
1013 school board office for which the person files a declaration of candidacy or federal office, or as
1014 a holder of an office, other than a school board office for which the person files a declaration of
1015 candidacy or federal office, deposits a contribution or makes an expenditure.

1016 (b) A school board office candidate shall include on any financial statement filed in
1017 accordance with this part:

1018 (i) a contribution deposited in an account:

1019 (A) since the last campaign finance statement was filed; or

1020 (B) that has not been reported under a statute or ordinance that governs the account; or
1021 (ii) an expenditure made from an account:

1022 (A) since the last campaign finance statement was filed; or

1023 (B) that has not been reported under a statute or ordinance that governs the account.

1024 Section 15. Section **20A-12-303** is amended to read:

1025 **20A-12-303. Separate account for campaign funds -- Reporting contributions.**

1026 (1) The judge or the judge's personal campaign committee shall deposit each
1027 contribution in one or more separate personal campaign accounts in a financial institution.

1028 (2) The judge or the judge's personal campaign committee may not deposit or mingle
1029 any contributions received into a personal or business account.

1030 (3) (a) As used in this Subsection (3) and Section [20A-12-305](#), "received" means:

1031 (i) for a cash contribution, that the cash is given to a judge or the judge's personal
1032 campaign committee;

1033 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1034 instrument or check is negotiated; and

1035 (iii) for any other type of contribution, that any portion of the contribution's benefit
1036 inures to the judge.

1037 (b) The judge or the judge's personal campaign committee shall report to the lieutenant
1038 governor each contribution received by the judge, within 30 days after the day on which the
1039 contribution is received.

1040 (c) [~~Except as provided in Subsection (3)(d), for~~] For each contribution that a judge
1041 fails to report within the time period described in Subsection (3)(b), the lieutenant governor
1042 shall impose a fine against the judge in an amount equal to [~~the greater of \$50 or 15%~~] the
1043 lesser of \$50 or 20% of the amount of the contribution.

1044 [~~(d) A fine described in Subsection (3)(c) may not exceed the amount of the~~
1045 ~~contribution to which the fine relates.]~~

1046 [~~(e)~~] (d) The lieutenant governor shall:

1047 (i) deposit money received under Subsection (3)(c) into the General Fund; and

1048 (ii) report on the lieutenant governor's website, in the location where reports relating to
1049 each judge are available for public access:

1050 (A) each fine imposed by the lieutenant governor against the judge;

- 1051 (B) the amount of the fine;
- 1052 (C) the amount of the contribution to which the fine relates; and
- 1053 (D) the date of the contribution.

Legislative Review Note
as of 2-3-15 11:02 AM

Office of Legislative Research and General Counsel